

BEFORE THE GEORGIA ATHLETIC AND ENTERTAINMENT COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

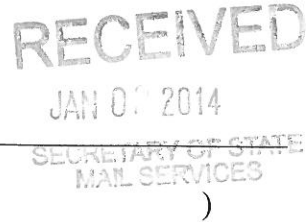
JERIAH FORTE,

Licensee,

Respondent.

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Docket No.:



FINAL DECISION

On December 19, 2013, a hearing was conducted in the above-referenced matter before the Georgia Athletic and Entertainment Commission (the "Commission"). The purpose of the hearing was to determine whether the Commission should sanction the Respondent's license as a boxer. The Respondent, Jeriah Forte, was notified of the meeting by certified and regular mail and email and failed to appear before the Commission. The Commission was represented by Reagan Dean, Assistant Attorney General.

FINDINGS OF FACT

1.

Respondent is licensed as a boxer in the State of Georgia and was so licensed at all times relevant to the matters set forth herein. The evidence presented proved that Respondent had scheduled and contracted with a licensed promoter to participate in a professional boxing match on November 9, 2013. Compensation to the Respondent was \$400.00 and 100 tickets. On November 8, 2013, the Respondent failed to appear for weigh-in. The weigh-ins were scheduled between 6:00pm and 8:00pm on November 8, 2013. Respondent failed to appear for weigh-in. Respondent failed to fulfill his contractual obligations and failed to perform as required.

CONCLUSIONS OF LAW

O.C.G.A. § 43-4B-4 provides, in part, that:

- (a) The commission is the sole regulator of professional boxing in Georgia and shall have authority to protect the physical safety and welfare of professional boxers and serve the public interest by closely supervising all professional boxing in Georgia.
- (c) The commission shall have the sole authority to license participants in any professional match, contest, or exhibition of boxing held in this state.
- (d) The commission has the authority to direct, manage, control, and supervise all professional matches, contests, or exhibitions of boxing. It may adopt bylaws for its management and promulgate and enforce rules and regulations consistent with this chapter.

O.C.G.A. § 43-4B-7 provides, in part, that:

The commission shall adopt rules and regulations governing professional boxing to establish the following:

- (1) Procedures to evaluate the professional records and physicians' certifications of each boxer participating in a professional match, contest, or exhibition of boxing and to deny authorization for a professional boxer to fight where appropriate.

O.C.G.A. § 43-4B-13 provides, in part, that:

(b) The commission may, by majority vote, after prior notice to the holder of any state license and after affording such a holder an opportunity to be heard, fine the license holder, revoke or suspend a state license, or take other disciplinary action against the licensee...;

O.C.G.A. Section 43-4B-19 provides, in part, that:

- (a) Whenever it may appear to the commission that any person is violating or has violated any provision of this article or Article 1 of this chapter and that proceedings would be in the public interest:
 - (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," unless the right to notice is waived by the person against whom the sanction is imposed, the commission may:

(B) Issue an order against the person who violates this article or Article 1 of this chapter, imposing a civil penalty up to a maximum of \$1,000.00 per violation; or

(C) Issue an order suspending or revoking the license of the person violating this article or Article 1 of this chapter;

O.C.G.A. Section 43-1-19(a), provides that:

(a) A professional licensing board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in any actual injury to any person or be directly related to the practice of the business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title....which statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule;

O.C.G.A. Section 43-1-19(d), provides that:

(d) When a professional licensing board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to any business or profession licensed by the board, the board may take any one or more of the following actions:

(2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license;

(4) Limit or restrict any license as the board deems necessary for the protection of the public;

- (5) Revoke any license;
- (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;
- (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or professional.

GAEC Rule 85-1-.02(9) provides, in part, that:

- (a) The commission may revoke, suspend, place on probation or take other disciplinary action against the license of any licensee who has violated any of its rules or regulations or any of the provisions of O.C.G.A. 43, Chapter 4B or whose application contains false statements or material omissions.

GAEC Rule 85-1-.05(7) provides, in part, that:

- (b) Contestant Failure to Perform. The failure of a contestant under contract with a license promoter to perform according to the terms of said contract; or the failure of a contestant to live up to his or her agreement with an person to which the contestant is under contractual agreement is prohibited.
- (c) Violation: Penalties.
 - (i) Violation of either paragraph (a) or (b) within this subsection shall, for the first offense, be grounds for administrative suspension of not less than 90 days and a fine of not more than the contracted purse amount disclosed on the bout agreement or contract.

DECISION AND ORDER

After having considered all of the evidence in this case, the Commission finds that grounds for sanctioning Respondent's license as a boxer have been proven by a preponderance of the evidence. The Respondent failed to appear for weigh-ins and failed to fulfill his contractual obligations and failed to perform as required.

For the above and foregoing reasons, Respondent's license as a boxer is hereby suspended for a period of at least six (6) months with a requirement that Respondent shall repay the promoter the sum of \$400.00 that Respondent received as compensation. At the end of six (6) months of suspension the Respondent may request in writing for the Commission to lift the

suspension. The Respondent shall meet with the Commission to review his request to lift the suspension and also determine his compliance with this Final Decision including repayment to the promoter.

This 2 day of January, 2014.

GEORGIA ATHLETIC AND
ENTERTAINMENT COMMISSION

J. J. BIELLO
Chairman

ATTEST:


MATTHEW WOODRUFF
Executive Director

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